

CASE# 2010-26 6-1
RESOLUTION NUMBER

DENYING A CONDITIONAL PERMITTED USE
FOR CERTAIN PROPERTY LOCATED AT
2820 YOUNG ROAD, MECHANICSBURG
SANGAMON COUNTY, ILLINOIS

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Findings of Fact and Recommendation that the Sangamon County Board **deny a conditional permitted use** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Southfork Land Trust, John Homeier Trustee**, has petitioned the Sangamon County Board for a **conditional permitted use to allow an asphalt batch plant**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **June 17, 2010** after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been met; and

WHEREAS, the Sangamon County Zoning Board of Appeals has presented to the Sangamon County Board of Sangamon County its Findings of Fact and Recommendation that the Sangamon County Board **deny the conditional permitted use**; and

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

FILED

JUL 01 2010

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **13th day of July, 2010 that the request for a conditional permitted use to allow for a asphalt batch plant on the above described property is hereby denied.**

Signed and passed by the Sangamon County Board in session on this **13th day of July, 2010.**

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING COMMITTEE OF
THE SANGAMON COUNTY BOARD



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the South half of the Southwest Quarter of Section 9, Township 15 North, Range 3 West of the Third Principal Meridian, Sangamon County, Illinois described as follows:

Commencing at the Southwest corner of the Southwest Quarter of said Section 9; thence North 00 degrees 33 minutes, 57 seconds West on the West line of said Southwest Quarter, 806.43 feet; thence North 89 degrees 17 minutes 39 seconds East, 50.00 feet to the point of beginning.

From said point of beginning; thence continuing North 89 degrees, 17 minutes 39 seconds East 1717.62 feet; thence South 69 degrees 36 minutes 18 seconds East, 116.07 feet; thence South 10 degrees 29 minutes 47 seconds East, 206.34 feet; thence South 34 degrees 24 minutes 33 seconds East, 119.71 feet, thence South 57 degrees 47 minutes 26 seconds East, 267.03 feet; thence South 00 degrees 38 minutes 46 East, 302.76; thence South 89 degrees 30 minutes 26 seconds West, 448.37 feet; thence North 45 degrees, 28 minutes 00 seconds West, 902.62 feet; thence South 89 degrees 17 minutes 39 seconds West, 1067.68 feet; thence North 00 degrees 33 minutes 57 seconds West, 150.00 feet to the point of beginning.

RECAP.
(For County Board Use)

COUNTY BOARD MEMBER: #3 NAME: David Mendenhall

DOCKET NUMBER: 2010-26

ADDRESS: 2820 Young Road, Mechanicsburg, IL. 62545

PETITIONER: Southfork Land Trust, John Homeier Trustee

PRESENT ZONING CLASSIFICATION: "I-2" General Industrial District

REQUESTED ZONING CLASSIFICATION: "I-2" General Industrial District with a conditional permitted use to allow an asphalt batch plant.

AREA: Approx. 15 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: See Exhibit B

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Concur with the Findings of Fact of the Regional Planning Commission. Motion failed by a two (2) to three (3) vote resulting in denying the petition.

Cyndi Knowles
RECORDING SECRETARY

Exhibit B

Planning Commission Staff Recommendation: Recommend approval of the requested CPU to allow for an asphalt batch plant. The subject property was rezoned to I-2 in 2006 to allow for a bio-diesel production plant which is no longer in use. Allowing an asphalt batch plant at this location seems appropriate (to east is a sand & gravel operation and to the south is an asphalt batch plant). Public health, safety and welfare will be protected as the property is located approximately 1.5 miles outside Buckhart, 5 miles outside Rochester and is not within immediate distances of any churches, schools, or hospitals. There is a residential development approximately $\frac{1}{4}$ mile from the proposed location of the plant. Since the approval of the subdivision, the subject property has been rezoned to I-2. The subject property is located within the volunteer Rochester Fire Protection District. Note that this property is in the floodplain. The property owner has applied to FEMA to obtain a Letter of Map Amendment (LOMA) to remove the proposed location that has higher elevations from floodplain designation. No building permits will be issued until the LOMA is received.

6-6

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2010-26
Southfork Land Trust,)
John Homeier Trustee)
)	PROPERTY LOCATED AT:
)	2820 Young Road,
)	Mechanicsburg, IL.

RECOMMENDATION OF THE BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **conditional permitted use** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **June 17, 2010** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **2820 Young Road, Mechanicsburg, IL.** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **"I-2" General Industrial District.**
- 4. That the present land use of said property is **a frame structure built to support a biodiesel production plant that was not developed.**
- 5. That the proposed land use of said property is **an asphalt batch plant.**
- 6. That the requested **conditional permitted use** of said property is **an asphalt batch plant.**
- 7. That required findings and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit (s).
- 8. The evidence adduced at the hearing **does not** support the proposition that the adoption of the proposed **conditional permitted use** is in the public interest and is not solely in the interest of the petitioner(s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **conditional permitted use** be **denied.**

Charles Chimento/ck

 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Charles Chimento**, to **concur** with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved**, which was duly seconded by **Peggy Egizii**. **The motion failed by a vote of two (2) to three (3) resulting in denying the petition.**

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii**

NO: **Byron Deaner, Judith Johnson, Marvin Traylor**

ABSENT:

Cyndi Knowles

 RECORDING SECRETARY